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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,481	08/31/2001	Hussein Salama	2705-188	1568

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EXAMINER

MURPHY, RHONDA L

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/944,481	Applicant(s) SALAMA ET AL.	
	Examiner Rhonda Murphy	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7-10, 13-23, 26-36, 39-49 and 52 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 11, 12, 24, 25, 37, 38, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on 9/4/07. Accordingly, claims 1-52 are currently pending in this application.

Response to Arguments

1. Applicant's arguments, filed 9/4/07, with respect to claims 7-9, 14-16, 19-22, 27-29, 33-35, 40-42 and 46-48 have been fully considered and are persuasive. The rejection of 7-9, 14-16, 19-22, 27-29, 33-35, 40-42 and 46-48 has been withdrawn.
2. Applicant's arguments, filed 9/4/07, with respect to the rejection(s) of claim(s) 1-3, 6, 11, 12, 24, 25, 37, 38, 50 and 51 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 11 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 11 uses the phrase "a device" in the preamble. In claim 11, lines 7 and 9, the phrase "a called device" is unclear. Examiner believes "a called device" should be replaced with "the device" and has interpreted "a called device" to be "the device" in the rejection.

6. Claim 24 uses the phrase "a device" in the preamble. In claim 24, lines 4 and 6, the phrase "a called device" is unclear. Examiner believes "a called device" should be replaced with "the device" and has interpreted "a called device" to be "the device" in the rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1 – 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,339,481).

Regarding claim 1, Scott teaches a device comprising: a network interface (FIU 14-2) for coupling to a network (Fig. 3); and a processor coupled with the network interface (not illustrated, however inherent. The processor is located inside FIU 14-2; col. 1, lines 43-45), where the processor is configured to: transmit a call setup message (col. 6, lines 29-30) to a called device (FTE 10-2) through a network to establish a connection session for exchanging data (col. 6, lines 20-27); receive from the called device a reply message (col. 6, lines 36-38); receive the reply message that includes an attribute of the called device associated with the connection session (col. 6, lines 36-38; DIS – see col. 4, lines 56-57); infer from the reply message the attribute that is not included in the reply message (col. 6, lines 39-49; data signaling rate 4,800 bps); and transmit data to the called device using the inferred attribute (col. 6, lines 45-53).

Scott fails to explicitly disclose analyzing the reply message. However, Scott does disclose editing the reply message. In view of this, it would have been obvious to one skilled in the art to analyze the reply message, in order for the reply message to be edited.

Regarding claim 2, Scott teaches the device of claim 1, where the inferred attribute is a codec type of the called device or a maximum allowable jitter or burst size associated with data that may be received by the device (col. 6, lines 45-49).

Regarding claim 3, Scott teaches the device of claim 1, where the inferred attribute is a maximum bandwidth that the device may receive data in (col. 6, lines 39-49).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott as applied to claim 1 above, and further in view of Murata et al. (US 2002/0015181 A1) and Tang (US 2001/0033577 A1).

Regarding claim 6, Scott teaches the device of claim 1. Scott fails to explicitly teach the call setup message is an H.323 version 3 fastStart type message; and the reply message is an RSVP Path type message.

However, Murata discloses an H.323 type message (page 1, paragraph 5). In view of this, it would have been obvious to one skilled in the art to include an H.323 type message, since H.323 is a standard that defines call setup and codec specifications.

Furthermore, Tang discloses an RSVP Path type message (page 1, paragraph 1). In view of this, it would have been obvious to one skilled in the art to include an RSVP type message, in order to support resource reservations.

11. Claims 11-12, 24-25, 37, 38 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 6,978,383).

Regarding claims 11, 24 and 50, Boyle teaches a device (Fig. 5; PC 12) comprising: a network interface (interface is inherent for communicating with external manager 20) for coupling to a network (external manager 20); and a processor (processors are inherent in PC's) coupled with the network interface (see Fig. 5), where the processor is configured to: receive a call setup message (col. 4, lines 49-55) from a calling device (PC 10) through a network to establish a connection for exchanging data (col. 4, lines 49-50); configure a first port of the device to transmit data through, during the

connection (port 5432; col. 5, lines 49-51); configure a second port of the device to receive data from, during the connection (port 4321; col. 4, lines 56-58); transmit to the calling device a reply message identifying the first port as a port to transmit from, but not identifying the second port (col. 5, lines 49-51); and receive data addressed to the second port in response to the reply message (col. 5 lines 59-60).

Boyle fails to explicitly disclose where an identifying number of the second port has a preset relationship with an identifying number of the first port.

However, it is known in the art for ports of a device to have preset relationships, for the purpose of enabling communication via those ports.

Regarding claims 12, 25 and 51, Boyle teaches the device of claims 11, 24 and 50, but fails to explicitly disclose the identifying number of the second port equals the identifying number of the first port.

However, it would have been obvious to one skilled in the art to design the ports to have equal identifying port numbers, for the purpose of transmitting and receiving at the same port number.

Regarding claim 37, Scott teaches the same limitations described above in the rejection of claim 11. Scott further teaches an article comprising: a computer-readable medium having instructions stored thereon, and when the instructions are executed by at least one device, they perform the steps described above in the rejection of claim 11 (col. 8, lines 49-52).

Regarding claim 38, Scott teaches the same limitations described above in the rejection of claim 12.

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Allowable Subject Matter

12. Claims 4, 5, 7-10, 13-23, 26-36, 39-49 and 52 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

Daniel J. Ryman
Patent Examiner
AU 2616

Daniel Ryman

RM